Women’s Imprisonment, Conflict and Transition

Introduction

Imprisonment in Northern Ireland operates within the context of a society and criminal justice process emerging from three decades of violent conflict and a longer history of sectarian politics. Penal regimes have developed and consolidated within this context. High rates of political imprisonment and the dynamics of prison struggles have had a profound impact within local communities. Throughout the recent Conflict, over 3,700 men, women and children were killed, the majority by republican or loyalist paramilitary organizations (McKittrick et al., 2004, p.1528). Tens of thousands were injured and countless others made homeless, traumatized or bereaved. Approximately ten per cent of killings were by state forces (McKittrick et al., 2004, p.1534). Allegations persist regarding the extent of state collusion with loyalist paramilitaries. It is estimated that half of Northern Ireland’s population (1.8 million in 2011) has been affected by the death or injury of a close relative or friend (Fitzduff and O’Hagan, 2009).

Paramilitary ceasefires and the subsequent multiparty 1998 Good Friday/Belfast Agreement resulted in the devolution of powers to an elected Assembly and to significant reform. Delayed for over a decade, justice and policing were finally devolved early in 2010 and a justice ministry formed. Following the Agreement, the early release of politically affiliated prisoners was viewed by many commentators as a prerequisite for a lasting peace settlement. Despite a shared commitment, at least publicly, to securing a political resolution, the transition from conflict has been inconsistent. Two decades on from the ceasefires, a level of paramilitary violence continues and policing remains contested, particularly within working-class communities.
Throughout the Conflict, Northern Ireland had a unique prison system with high levels of long-term, indeterminate and life sentence prisoners, more than 50 per cent of convicted prisoners were imprisoned for politically motivated offences (McEvoy, 1998, p.40). It was a system steeped in the Conflict, producing ‘charged sites’ within which ‘larger battles’ were fought (McEvoy et al., 2007, p.293). Significantly, a leading Republican activist predicted that the ‘war will be won in the prisons’ (cited in Coogan, 1980, p.14). At all levels – management, operation and regimes – the prisons were shaped by sectarianism and the overwhelming majority of prison guards were male, recruited almost exclusively from Protestant/Unionist/Loyalist communities. Throughout the Conflict, therefore, prison managers and guards were considered ‘legitimate’ targets by Republican paramilitaries. Twenty-nine prison guards were killed and many more had their homes fire-bombed or were forced to flee following paramilitary threats (Ryder, 2000). In November 2012, David Black became the 30th member of the Prison Service to be killed, shot dead by a Republican paramilitary group opposed to the political settlement.

The history of the state’s use of and reliance on imprisonment to repress protest and rebellion provides the essential context to understanding contemporary penal policy and practice in Northern Ireland. This includes politically affiliated prisoners’ resistance to penal regimes and the impact of imprisonment within communities, extending to the formal political process and the central role played by former prisoners in political transition. This historical context provides the foundation on which analysis of the current situation for all prisoners in Northern Ireland, whether or not politically affiliated, has been developed. This chapter provides that context, then discussing the experiences of politically affiliated women in prison in Northern Ireland alongside the experiences of women imprisoned for politically motivated offences in other conflicted and transitional jurisdictions.

The impact of the Conflict on the prison system

Kieran McEvoy (2001) notes that the British State’s use of imprisonment during the Conflict progressed through three stages: reactive containment (1969–1975); criminalization (1976–1981); managerialism (early 1980s onwards). He considers ‘reactive containment’ as a ‘relatively crude’ and ‘military led’ approach by the State to repress politically motivated violence (McEvoy, 2001, p.204). In the early 1970s, reactive containment involved mass arrest and detention without trial under